

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CHARLENE A. STEPHENSON,)
)
Plaintiff,)
)
v.) CAUSE NO. 3:08-CV-144 PPS
)
COMMISSIONER OF SOCIAL)
SECURITY,)
)
Defendant.

REPORT AND RECOMMENDATION

On March 31, 2009, this Court ordered Plaintiff, Charlene A. Stephenson (“Stephenson”), to file a status report advising whether she would obtain alternate representation or proceed *pro se*. Stephenson was given until April 30, 2009 to make her filing. However, Stephenson failed to meet this deadline. Consequently, on May 4, 2009, this Court issued an order to show cause, directing Stephenson to submit a filing in compliance with this Court’s former order and explain why her case should not be dismissed for failure to prosecute her claim. Stephenson was given until May 15, 2009 to respond. As of this date, Stephenson has still not responded to this Court’s initial order or the order to show cause, despite this Court’s warning pursuant to Timms v. Frank, 953 F.2d 281, 285-86 (7th Cir. 1992) and Lewis v. Faulkner, 689 F.2d 100 (7th Cir. 1982) that failure to do so may result in a dismissal of their case.

Under Fed. R. Civ. P. 41, a plaintiff’s case may be dismissed for his failure to prosecute his claim or to comply with court orders. Stephenson has failed to comply with two court orders and has provided no written documentation explaining her inaction. Accordingly, this Court can only assume that Stephenson has abandoned her case. As a result, for the aforementioned

reasons, this Court **RECOMMENDS** that Stephenson's case be **DISMISSED WITHOUT PREJUDICE.**

NOTICE IS HEREBY GIVEN that within ten (10) days after being served with a copy of this recommended disposition a party may serve and file specific, written objections to the proposed findings and/or recommendations. Fed. R. Civ. P. 72(b). **FAILURE TO FILE OBJECTIONS WITHIN THE SPECIFIED TIME WAIVES THE RIGHT TO APPEAL THE DISTRICT COURT'S ORDER.**

SO ORDERED.

Dated this 26th Day of May, 2009.

S/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge

cc: Charlene A. Stephenson